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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,766

01/03/2006

Dirk Becker

095309.56086US

9055

23911 7590 11/25/2008  
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EXAMINER

WALTERS, JOHN DANIEL

ART UNIT

PAPER NUMBER

3618

MAIL DATE

DELIVERY MODE

11/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,766	<b>Applicant(s)</b> BECKER ET AL.	
	<b>Examiner</b> JOHN D. WALTERS	<b>Art Unit</b> 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060103</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

### **DETAILED ACTION**

Claims 1 - 8 have been examined.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 - 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the flexural beam (25)" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the flexural beam (25)" in line 3. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa (EP1167165) in view of Peter (4,566,407). Ozawa discloses a vehicle front end structure comprising:

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- a body panel (Fig. 1, item 400)
- said body panel including a bumper unit (Fig. 1, items 500);
- said body panel including a cooling module (Fig. 1, item 100);
- a front end including two openings (Figs. 2 and 3, item 452);
- air ducts (Fig. 5, items 461 and 462);
- boundary walls of said air ducts are integrated into said body panel which extends approximately across the air flow direction and has openings (paragraph 045);
- said opening of said body panel covering said front end openings (Fig. 5);
- said body panel being located behind said bumper unit (Fig. 1).

Ozawa does not explicitly detail the connection between a body panel and a cooling module. Peter, however, discloses a cooling arrangement for an automotive vehicle comprising:

- a body panel fastened to a cooling module (Fig. 2, items 36 and 9);
- boundary walls provided with sealing flanges (Fig. 2, un-numbered attachment flanges inward of line C-C);
- a body panel arranged behind a bumper (Fig. 2, items 10 and 5);
- said bumper including a bumper covering, a flexural crossbeam, and a bumper interior part (Fig. 2, items 18, 40 and 42);
- an upper opening above and a lower opening below said flexural crossbeam (Fig. 2, items 16 and 17);

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- a lower boundary edge of said upper opening lies sealingly against said flexural crossbeam (Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to combine the vehicle front end of Ozawa with the cooling arrangement of Peter in order to properly and effectively guide cooling air towards a cooling module (Peter column 2, lines 4 - 17).

Claims 6 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa (EP 1167165) in view of Peter (4,566,407) as applied to claims 1 - 5 above, and further in view of Attinger (DE19630899). Ozawa in view of Peter does not disclose the use of additional air openings. Attinger, however, discloses a front end assembly comprising:

- a round opening located to one side of an upper opening (Fig. 1, item 21).

In regards to claims 6 and 7, it would have been obvious to one of ordinary skill in the art to provide additional air openings, as it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper co. v. Bemis Co.*, 193 USPQ 8.

It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to combine the additional air opening of Attinger with the front end of Ozawa in view of Peter in order to provide air feeds for individual air requiring components (Attinger abstract).

***Allowable Subject Matter***

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, either alone or in combination, neither discloses nor suggests a body panel including a corner pivotally attached.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Schaal et al. (4,938,303) disclose a cooling air circulation system;
- Sato et al. (6,676,179) disclose a front structure for a vehicle body;
- Bauer et al. (7,013,951) disclose a front part of a motor vehicle;
- Satou (2002/0129981) discloses a vehicle body front structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN D. WALTERS whose telephone number is (571)272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/  
Supervisory Patent Examiner, Art Unit 3618

John D. Walters  
Examiner  
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/J. D. W./  
Examiner, Art Unit 3618